

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TENAFLY ERUV ASSOCIATION, INC.,
CHAIM BOOK, YOSIFA BOOK, STEFANIE
DARDIK GOTLIEB, and STEPHEN
BRENNER,

Plaintiffs,

Case No. 00-6051 (WGB)

- against -

THE BOROUGH OF TENAFLY, ANN
MOSCOVITZ, individually and in her official
capacity as Mayor of the Borough of Tenaflly,
CHARLES LIPSON, MARTHA B. KERGE,
RICHARD WILSON, ARTHUR PECK, JOHN
T. SULLIVAN, each individually and in their
official capacities as Council Members of the
Borough of Tenaflly,

Defendants.

**APPENDIX FOR PLAINTIFFS TENAFLY ERUV ASSOCIATION, INC., CHAIM
BOOK, YOSIFA BOOK, STEFANIE DARDIK GOTLIEB AND STEPHEN BRENNER'S
MOTION FOR SUMMARY JUDGMENT AND A PERMANENT INJUNCTION**

WEIL GOTSHAL & MANGES LLP

Robert G. Sugarman

Harris J. Yale

Craig L. Lowenthal

767 Fifth Avenue

New York, New York 10153

(212) 310-8000

HELLRING LINDEMAN GOLDSTEIN & SIEGAL LLP

Richard D. Shapiro

One Gateway Center

Newark, New Jersey

(973) 621-9020

Attorneys for Plaintiffs

TABLE OF CONTENTS

1. Complaint dated December 15, 2000
Exhibit A to Complaint – Letter from Chaim Book to Mayor Ann
Moscovitz dated November 7, 2000
2. Certification of Chaim Book, dated December 14, 2000
Exhibit A to Chaim Book Certification – Washington D.C. Proclamation
Exhibit B to Chaim Book Certification – Various Cities Proclamations
Exhibit C to Chaim Book Certification – Letter from Cablevision to
Chaim Book dated October 23, 2000
Exhibit D to Chaim Book Certification – Letter from Mrs. Bernard Golden
to Mayor Ann Moscovitz, dated November 30, 2000
Exhibit E to Chaim Book Certification – Letter from Anti-Defamation
League to Mayor Ann Moscovitz and Council members dated
December 6, 2000
3. Certification of Yosifa Book, dated December 14, 2000
4. Certification of Stefanie Dardik Gotlieb, dated December 14, 2000
5. Certification of Stephen Brenner, dated December 14, 2000
6. Affirmation of Rabbi Hershel Schachter, dated April 4, 2001
7. Affidavit of Jay Nelkin, dated April 30, 2001
Exhibit A to Nelkin Affidavit – Photographs of Directional Signs to
Churches
Exhibit B to Nelkin Affidavit – Photographs of Christmas Decorations
Exhibit C to Nelkin Affidavit – Photographs of Garage Sale Sign and
Address Numbers
Exhibit D to Nelkin Affidavit – Photographs of Excess Telephone Cable
Wire
8. Supplemental Affirmation of Jay Nelkin, dated July 18, 2001
Exhibit A To Supplement Nelkin Affirmation – Photograph of Greek
Orthodox Church Directional Sign
Exhibit B to Supplemental Affirmation of Jay Nelkin – Photograph of
Presbyterian Church Directional Sign
Exhibit C to Supplemental Nelkin Affirmation – Photograph of Catholic
Church and Greek Orthodox Church Directional Signs
9. Answer, dated March 2, 2001

10. Affidavit of Mayor Ann Moscovitz, dated March 5, 2001
11. Affidavit of Charles Lipson, dated March 5, 2001
12. Affidavit of Martha Kerge, dated March 5, 2001
13. Affidavit of Richard D. Wilson, dated March 3, 2001
14. Affidavit of Arthur Peck, dated March 5, 2001
15. Affidavit of John Sullivan, dated March 6, 2001
16. Affidavit of Borough Administrator Joseph DiGiacomo, dated March 5, 2001
17. Affidavit of Borough Administrator Joseph DiGiacomo, dated April 23, 2001
Exhibit A to DiGiacomo 4/23/01 Affidavit – Tenaflly Ordinance 99-24
18. Affidavit of Borough Administrator Joseph DiGiacomo, dated May 3, 2001
Exhibit A to DiGiacomo 5/3/01 Affidavit – Photographs of Directional
and Church Signs
Exhibit B to DiGiacomo 5/3/01 Affidavit – Photograph of Traffic Sign
Exhibit C to DiGiacomo 5/3/01 Affidavit – Photograph of Church Sign
Exhibit D to DiGiacomo 5/3/01 Affidavit – Photograph of Church Signs
19. Tenaflly Ordinance 691
20. Tenaflly Ordinance 1127
21. June 8, 1999, Borough Council Meeting Transcript
22. November 21, 2000, Borough of Tenaflly Work Session Transcript
23. November 28, 2000 Borough of Tenaflly Public Hearing re: In the Matter of the
Application of the Tenaflly Eruv Association for An Eruv Transcript
24. December 12, 2000 Borough of Tenaflly Public Hearing re: In the Matter of the
Application of the Tenaflly Eruv Association for An Eruv Transcript
25. Transcript of Evidentiary Hearing, dated April 30, 2001
26. Transcript of Evidentiary Hearing, dated May 1, 2001
27. Transcript of Evidentiary Hearing, dated May 8, 2001
28. Transcript of Evidentiary Hearing, dated May 14, 2001

29. Joint Exhibit 2 – List of Poles To Which Lechis Are Attached
30. Plaintiffs' Exhibit 3 – 1197 Agreement Between Borough of Tenaflly and Jonathan and Judith Furer
31. Plaintiffs' Exhibit 4 – Borough of Tenaflly Resolution
32. Plaintiffs' Exhibit 5 – 1991 Agreement Between Borough of Tenaflly and Donald and Sandra Wein
33. Plaintiffs' Exhibit 6 – Borough of Tenaflly Resolution, dated April 24, 1990
34. Plaintiffs' Exhibit 7 – 1995 Agreement Between Borough of Tenaflly and Villa Cortina
35. Plaintiffs' Exhibit 8 – Letter from Robert and Janet Rancan to Mayor and Council, dated July 18, 1996
36. Plaintiffs' Exhibit 9 - Letter from Borough of Tenaflly to Robert Rancan, dated August 16, 1996
37. Plaintiffs' Exhibit 10 – Letter from Borough of Tenaflly to George Katsiaunis, dated August 13, 1997
38. Plaintiffs' Exhibit 11 – 1990 Agreement Between Borough of Tenaflly and Arnold and Myra Gans
39. Plaintiffs' Exhibit 12 – 1994 Agreement Between Borough of Tenaflly and Gerhard Van Biema
40. Plaintiffs' Exhibit 13 – Letter from Walter Lesnevich to Jim Gaffney, dated December 12, 2000
41. Plaintiffs' Exhibit 14 – Letter from Richard Shapiro to Walter Lesnevich, dated November 2, 2000 with Fax Cover Sheet
42. Plaintiffs' Exhibit 19 – 1997 Agreement Between Borough of Tenaflly and Jeff and Judy Fagan
43. Plaintiffs' Exhibit 20 – Letter from Borough of Tenaflly to Simon Cheah, dated November 14, 1997 with Attachments
44. Plaintiffs' Exhibit 21 – Photograph of Found Bird Sign on Utility Pole, taken on April 30, 2001

45. Plaintiffs' Exhibit 22 – Photograph of Number 12 on Utility Pole, taken on April 30, 2001
46. Plaintiffs' Exhibit 23 – Photograph of Lost Dog Sign on Utility Pole, taken on April 30, 2001
47. Plaintiffs' Exhibit 24 – Photograph of Offices For Rent Sign on Utility Pole, taken on April 30, 2001
48. Plaintiffs' Exhibit 25 – Photograph of Offices For Rent Sign on Utility Pole, taken on April 30, 2001
49. Plaintiffs' Exhibit 26 – Photograph of House Number 200 on Utility Pole, taken on April 30, 2001
50. Plaintiffs' Exhibit 27 – Photograph of Found Bird Sign on Utility Pole, taken on May 13, 2001
51. Plaintiffs' Exhibit 28 – Photograph of House Number 13 on Utility Pole, taken on May 13, 2001
52. Plaintiffs' Exhibit 29 – Photograph of Lost Dog Sign on Utility Pole, taken on May 13, 2001
53. Plaintiffs' Exhibit 30 – Photograph of House Number 200 on Utility Pole, taken on May 13, 2001
54. Plaintiffs' Exhibit 31 – Photograph of Trinity Lutheran Church Sign, taken on May 13, 2001
55. Plaintiffs Exhibit 35(a) – Photograph of Lechi on Utility Pole, taken on July 18, 2001
56. Plaintiffs Exhibit 35(b) – Photograph of Lechi on Utility Pole, taken on July 18, 2001
57. Plaintiffs Exhibit 36(a) – Photograph of Verizon Cable on Utility Pole, taken on July 18, 2001
58. Letter dated March 14, 1996 from Robert P. Miller to Mr. Michael Parlamis
59. Right of Way Use Agreement between the Borough of Tenafly and Metricom, Inc., dated January 31, 2001

TABLE OF CONTENTS

1. Complaint dated December 15, 2000
Exhibit A to Complaint – Letter from Chaim Book to Mayor Ann
Moscovitz dated November 7, 2000
2. Certification of Chaim Book, dated December 14, 2000
Exhibit A to Chaim Book Certification – Washington D.C. Proclamation
Exhibit B to Chaim Book Certification – Various Cities Proclamations
Exhibit C to Chaim Book Certification – Letter from Cablevision to
Chaim Book dated October 23, 2000
Exhibit D to Chaim Book Certification – Letter from Mrs. Bernard Golden
to Mayor Ann Moscovitz, dated November 30, 2000
Exhibit E to Chaim Book Certification – Letter from Anti-Defamation
League to Mayor Ann Moscovitz and Council members dated
December 6, 2000
3. Certification of Yosifa Book, dated December 14, 2000
4. Certification of Stefanie Dardik Gotlieb, dated December 14, 2000
5. Certification of Stephen Brenner, dated December 14, 2000
6. Affirmation of Rabbi Hershel Schachter, dated April 4, 2001
7. Affidavit of Jay Nelkin, dated April 30, 2001
Exhibit A to Nelkin Affidavit – Photographs of Directional Signs to
Churches
Exhibit B to Nelkin Affidavit – Photographs of Christmas Decorations
Exhibit C to Nelkin Affidavit – Photographs of Garage Sale Sign and
Address Numbers
Exhibit D to Nelkin Affidavit – Photographs of Excess Telephone Cable
Wire
8. Supplemental Affirmation of Jay Nelkin, dated July 18, 2001
Exhibit A To Supplement Nelkin Affirmation – Photograph of Greek
Orthodox Church Directional Sign
Exhibit B to Supplemental Affirmation of Jay Nelkin – Photograph of
Presbyterian Church Directional Sign
Exhibit C to Supplemental Nelkin Affirmation – Photograph of Catholic
Church and Greek Orthodox Church Directional Signs
9. Answer, dated March 2, 2001
10. Affidavit of Mayor Ann Moscovitz, dated March 5, 2001

11. Affidavit of Charles Lipson, dated March 5, 2001
12. Affidavit of Martha Kerge, dated March 5, 2001
13. Affidavit of Richard D. Wilson, dated March 3, 2001
14. Affidavit of Arthur Peck, dated March 5, 2001
15. Affidavit of John Sullivan, dated March 6, 2001
16. Affidavit of Borough Administrator Joseph DiGiacomo, dated March 5, 2001
17. Affidavit of Borough Administrator Joseph DiGiacomo, dated April 23, 2001
Exhibit A to DiGiacomo 4/23/01 Affidavit – Tenaflly Ordinance 99-24
18. Affidavit of Borough Administrator Joseph DiGiacomo, dated May 3, 2001
Exhibit A to DiGiacomo 5/3/01 Affidavit – Photographs of Directional
and Church Signs
Exhibit B to DiGiacomo 5/3/01 Affidavit – Photograph of Traffic Sign
Exhibit C to DiGiacomo 5/3/01 Affidavit – Photograph of Church Sign
Exhibit D to DiGiacomo 5/3/01 Affidavit – Photograph of Church Signs
19. Tenaflly Ordinance 691
20. Tenaflly Ordinance 1127
21. June 8, 1999, Borough Council Meeting Transcript
22. November 21, 2000, Borough of Tenaflly Work Session Transcript
23. November 28, 2000 Borough of Tenaflly Public Hearing re: In the Matter of the
Application of the Tenaflly Eruv Association for An Eruv Transcript
24. December 12, 2000 Borough of Tenaflly Public Hearing re: In the Matter of the
Application of the Tenaflly Eruv Association for An Eruv Transcript
25. Transcript of Evidentiary Hearing, dated April 30, 2001
26. Transcript of Evidentiary Hearing, dated May 1, 2001
27. Transcript of Evidentiary Hearing, dated May 8, 2001
28. Transcript of Evidentiary Hearing, dated May 14, 2001
29. Joint Exhibit 2 – List of Poles To Which Lechis Are Attached

30. Plaintiffs' Exhibit 3 – 1197 Agreement Between Borough of Tenaflly and Jonathan and Judith Furer
31. Plaintiffs' Exhibit 4 – Borough of Tenaflly Resolution
32. Plaintiffs' Exhibit 5 – 1991 Agreement Between Borough of Tenaflly and Donald and Sandra Wein
33. Plaintiffs' Exhibit 6 – Borough of Tenaflly Resolution, dated April 24, 1990
34. Plaintiffs' Exhibit 7 – 1995 Agreement Between Borough of Tenaflly and Villa Cortina
35. Plaintiffs' Exhibit 8 – Letter from Robert and Janet Rancan to Mayor and Council, dated July 18, 1996
36. Plaintiffs' Exhibit 9 - Letter from Borough of Tenaflly to Robert Rancan, dated August 16, 1996
37. Plaintiffs' Exhibit 10 – Letter from Borough of Tenaflly to George Katsiaunis, dated August 13, 1997
38. Plaintiffs' Exhibit 11 – 1990 Agreement Between Borough of Tenaflly and Arnold and Myra Gans
39. Plaintiffs' Exhibit 12 – 1994 Agreement Between Borough of Tenaflly and Gerhard Van Biema
40. Plaintiffs' Exhibit 13 – Letter from Walter Lesnevich to Jim Gaffney, dated December 12, 2000
41. Plaintiffs' Exhibit 14 – Letter from Richard Shapiro to Walter Lesnevich, dated November 2, 2000 with Fax Cover Sheet
42. Plaintiffs' Exhibit 19 – 1997 Agreement Between Borough of Tenaflly and Jeff and Judy Fagan
43. Plaintiffs' Exhibit 20 – Letter from Borough of Tenaflly to Simon Cheah, dated November 14, 1997 with Attachments
44. Plaintiffs' Exhibit 21 – Photograph of Found Bird Sign on Utility Pole, taken on April 30, 2001
45. Plaintiffs' Exhibit 22 – Photograph of Number 12 on Utility Pole, taken on April 30, 2001

46. Plaintiffs' Exhibit 23 – Photograph of Lost Dog Sign on Utility Pole, taken on April 30, 2001
47. Plaintiffs' Exhibit 24 – Photograph of Offices For Rent Sign on Utility Pole, taken on April 30, 2001
48. Plaintiffs' Exhibit 25 – Photograph of Offices For Rent Sign on Utility Pole, taken on April 30, 2001
49. Plaintiffs' Exhibit 26 – Photograph of House Number 200 on Utility Pole, taken on April 30, 2001
50. Plaintiffs' Exhibit 27 – Photograph of Found Bird Sign on Utility Pole, taken on May 13, 2001
51. Plaintiffs' Exhibit 28 – Photograph of House Number 13 on Utility Pole, taken on May 13, 2001
52. Plaintiffs' Exhibit 29 – Photograph of Lost Dog Sign on Utility Pole, taken on May 13, 2001
53. Plaintiffs' Exhibit 30 – Photograph of House Number 200 on Utility Pole, taken on May 13, 2001
54. Plaintiffs' Exhibit 31 – Photograph of trinity Lutheran Church Sign, taken on May 13, 2001
55. Plaintiffs Exhibit 35(a) – Photograph of Lechi on Utility Pole, taken on July 18, 2001
56. Plaintiffs Exhibit 35(b) – Photograph of Lechi on Utility Pole, taken on July 18, 2001
57. Plaintiffs Exhibit 36(a) – Photograph of Verizon Cable on Utility Pole, taken on July 18, 2001
58. Letter dated March 14, 1996 from Robert P. Miller to Mr. Michael Parlamis
59. Right of Way Use Agreement between the Borough of Tenaflly and Metricom, Inc., dated January 31, 2001